

## REMARKS

### **Status of the claims**

Claims 1-5 and 7 were previously cancelled. Claim 6 is pending and currently amended to specify that the matrix array of vessels is arranged in a square or rectangular form. Support for the amendment may be found on page 2, line 22 and page 4, lines 28-30. No new matter is added by the proposed amendments. Applicants believe that the amended claims place the patent application in condition for allowance. Entry and consideration of the amended claims is therefore respectfully requested.

### **Claim rejections under USC § 103(a)**

Claim 6 was rejected under 35 USC § 103(a) over US 5,720,406 (Fassbind et al.) in view of US 6,776,964 ('964) and US 4,226,333 (Percarpio).

Without acquiescing to the rejections of record, Applicants amend claim 6 to recite that the vessels are arranged in a square or rectangular format. This clarifies and completes the term "matrix" used in claim 6. Merriam-Webster's Online Dictionary (<http://www.merriam-webster.com>) states that a matrix is "something resembling a mathematical matrix, especially in rectangular arrangement of elements into rows and columns". This definition includes a square and rectangular format.

Fassbind et al. fails to teach a matrix array of vessels and closure elements being arranged in a square or rectangular format. Fassbind et al. teaches a circular construct that is limited in movement to a single dimension, and severely restricted in all other dimensions. That the closure elements of Fassbind et al. are not arranged in a matrix having a square or rectangular format is readily apparent to one of skill in the art if one considers what happens when the flexible elements connecting the closures are cut at a single point. If that were done, the entire arrangement of closures would fall apart, from a circular arrangement into a linear arrangement. In a square or rectangular arrangement of elements into rows and columns, a cut at a single point would not destroy the arrangement – the multiple interconnections that characterize an array would hold the arrangement intact. The statement in the Office Action that the Fassbind et al. teaches a ring of reaction containers and a ring of closures, each of which are "two-dimensional" by virtue of having an X axis and a Y axis is irrelevant because an X axis and a Y axis are not elements of the claimed invention. Also, merely having an X axis and a Y axis does not make an arrangement a matrix array.

It is evident from the above discussion that Fassbind et al. similarly does not teach a square or rectangular matrix array of vessels, since the vessels, like the closure elements, are also arranged in a circular construct that is limited in movement. Accordingly, Fassbind et al. fails to teach at least three elements of the invention as presently claimed – 1) a matrix array of vessels arranged in a square or rectangular format; 2) a matrix array of closure elements which fits the matrix of vessels arranged in a square or rectangular format; and 3) flexible connecting members between the closure elements that comprise a cross part between two closure elements, said cross part extending transversely to the connecting line between the closure elements.

These deficiencies of Fassbind et al. are not remedied by the other prior art cited in the Office Action. US'964 discloses a mat of sealing elements (i.e. closure elements) arranged in rows and columns, but fails to disclose flexible connecting members between said closure elements comprising a cross part between two closure elements, said cross part extending transversely to the connecting line between the closure elements as instantly claimed. The individual sealing elements are immobilized in relation to one another, and thus it is not possible to adjust for differences in temperature conditions or in production that create variability in the distances between adjacent sealing elements.

Percarpio neither discloses nor teaches the abovementioned flexible connecting members and their functions. Percarpio teaches a closure element for a single, independent, closable container. Percarpio does not teach or suggest anything about a matrix array of vessels arranged in a square or rectangular format or of closure elements, and the Office Action does not rely on it for such. By definition, then, Percarpio also is silent about any means to connect vessels or closures to one another.

The combination of Fassbind et al., the '964 patent, and Percarpio does not render the invention as presently claimed obvious, because they do not teach or suggest all the limitations of the claimed invention. In view of the foregoing, Applicants respectfully requests reconsideration and withdrawal of the rejections of claim 6 under 35 U.S.C. §103(a).

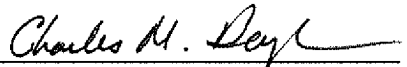
Conclusion

The pending claim 6 is believed to be in condition for allowance and issuance of a Notice of Allowance is respectfully requested. No fee is believed to be due at this time, however, the Commissioner is authorized to charge any fee deficiency, or credit any overpayment, to Deposit account No. 50-0812.

If the Examiner believes that a telephone conference would expedite prosecution of this application, he is asked to telephone the undersigned directly at 925-730-8554.

Respectfully submitted,

Date: November 20, 2008

  
Charles M. Doyle (Reg. No. 39,175)

Roche Molecular Systems, Inc.  
4300 Hacienda Drive  
Pleasanton, CA 94588  
Tele: (925) 730-8554  
Fax: (925) 225-1128